



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 14, 2020

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Hubert Dupigny*, S1 18 Cr. 528 (JMF)

Dear Judge Furman:

The Government respectfully submits this letter to seek to elicit testimony, during the direct examination of Hensley Dupigny (“Hensley”), of the defendant’s prior uncharged sex trafficking and promotion of prostitution with Hensley, pursuant to Federal Rule of Evidence 404(b) (“Rule 404(b)”). For the reasons set forth below, the Government submits that certain statements in the defendant’s opening remarks to the jury have opened the door to this testimony.

On or about January 2, 2020, the Government provided the defense with notice that it might seek to introduce at trial, pursuant to Rule 404(b), evidence of uncharged prior sex trafficking committed by the defendant. (See Dkt. No. 233 at 6-7.) Specifically, the Government provided notice that it might seek to elicit testimony from the defendant’s brother, Hensley, that Hensley engaged in the sex trafficking of women with the defendant in two time periods prior to the events charged in this case. Specifically, from in or around 2012 through 2013, Hensley was living in Bridgeport Connecticut attending school. On several occasions, the defendant visited Hensley along with a number of women, all of whom stayed at Hensley’s apartment. At the defendant’s direction, these women engaged in commercial sex acts on the streets near to Hensley’s apartment. Subsequently, from in or around 2015 through 2016, Hensley and the defendant worked together as pimps to promote the prostitution of multiple women out of an abandoned house that the defendant had taken over in the vicinity of Clarkson Avenue, in Brooklyn.

On or about January 7, 2020, the defendant moved to preclude this evidence, arguing, *inter alia*, that it did not intend to dispute that Mr. Dupigny had knowledge of “sex trafficking, or of how to use Backpage.com, or of the prostitution industry generally.” (Dkt. No. 233 at 3.) At the January 9, 2020 conference, the Government explained that it would only seek to introduce the evidence of the defendant’s prior sex trafficking if the defendant opened the door to such testimony. (See Jan. 9, 2020 Tr. at 19-20.) The Court, therefore, advised the Government that “if you think that the defense has done anything to open the door to it, you can let me know, and then we can address it at that time.” (*Id.*)

Cc: All Counsel of Record (Via ECF)